NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, DECEMBER 15, 2009 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

6 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

- 1. Call to Order in the West Conference Room (Open to the Public)
- 2. Roll Call
- 3. Convene to Closed Session The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.
 - a. Closed Session pursuant to Government Code Section 54956.9(a) Conference With Legal Counsel – Existing Litigation
 Sunnyvale West Neighborhood Association, et al. vs. City of Sunnyvale City Council, Santa Clara County Superior Court Case No.108-CV-127528
- 4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORT FOR DECEMBER 15, 2009

Closed Session pursuant to Government Code Section 54956.9(a) - Conference With Legal Counsel – Existing Litigation

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.

SPECIAL ORDER OF THE DAY - Julia Blom, Honorary Ambassador of Sunnyvale

SPECIAL ORDER OF THE DAY – January is National Blood Donor Month Presentation

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

1.A.	MOTION	Approval of Council Meeting Minutes of November 24, 2009
1.B.	MOTION	Approval of Council Meeting Minutes of December 1, 2009
1.C.	MOTION	Approval of Council Meeting Minutes of December 8, 2009
1.D.	MOTION	Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.E. MOTION List of Claims and Bills Approved for Payment by the City Manager – List RTC 09-306 No. 483

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

1.F. MOTION FY 2008/2009 Annual Status Report on Receipt and Use of Development Impact Fees and Adoption of Resolution Approving Findings Regarding Unspent Transportation Impact Fees

<u>Staff Recommendation:</u> Staff recommends Alternative 1, to accept the FY 2008/2009 Status Report on the Receipt and Use of Development Impact Fees and adopt the Resolution to approve the required findings on Transportation Impact Fees.

Staff Contact: Ann Durkes, (408) 730-2717

Contracts

1.G. MOTION Award of Contract to Conduct a Waste Characterization Study for the RTC 09-307 Cities of Sunnyvale and Mountain View (F0908-16)

<u>Staff Recommendation</u>: Award a contract in an amount not to exceed \$121,910, including applicable taxes, to Cascadia Consulting Group to conduct a waste characterization study for the cities of Sunnyvale and Mountain View.

Staff Contact: Pete Gonda, (408) 730-7418

1.H. MOTION Award of Contract for the Cooperative Purchase of Industrial and Commercial Supplies (F0912-51)

<u>Staff Recommendation</u>: Award a one-year contract, not to exceed budgeted amounts, to Grainger for citywide industrial and commercial supplies, based upon the State of California Western State Contracting Alliance (WSCA) cooperative contract; and authorize the City Manager to exercise an option to extend the contract for an additional one-year period, provided that pricing and service remain acceptable to the City.

Staff Contact: Pete Gonda, (408) 730-7418

1.l. MOTION Authorization to Modify and Existing Contract for Traffic Signal Work

RTC 09-308 (F0912-47)

Staff Recommendation: Modify an existing contract with Team Econolite by increasing the total not to exceed value of the contract by \$157,121, to a total of \$257,121.

Staff Contact: Pete Gonda, (408) 730-7418

1.J. MOTION Authorization to Modify an Existing Contract for Design Services Relating RTC 09-309

to the Hamilton Plant Mechanical and Electrical Reconstruction (F0912-

49)

Staff Recommendation: Modify an existing contract with Lee & Ro, Inc. by increasing the total not to exceed value of the contract by \$16,700, making the new total value of the contract \$116.680.

Staff Contact: Pete Gonda, (408) 730-7418

Contracts: Sunnyvale Works!

1.K. MOTION Award of Sunnyvale Works! Bid No. F0911-39 for Accessibility

RTC 09-313 Improvements-Ramps 2010

Staff Recommendation: Award a contract in the amount of \$312,600, to Bugler Construction, Inc., for the subject project, and authorize the City Manager to execute the contract when all necessary conditions have been met and approve a project contingency in the amount of \$31,260.

Staff Contact: Pete Gonda, (408) 730-7418

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a maximum of three minutes per speaker. If your subject is not on this evening's agenda you will be recognized at this time; however. the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.

2. MOTION 2009-0076 Commercial Vehicle Parking in Residential Zones (Study RTC 09-304 Issue)

<u>Staff Recommendation</u>: Initiate an ordinance to amend Title 10 (Vehicles and Traffic) and Title 19 (Zoning) of the Municipal Code to incorporate the 10,000 pound weight limitation for parking purposed in all applicable sections.

Staff Contact: Andrew Miner, (408) 730-7707

3. MOTION Palo Alto Medical Foundation Project Traffic Issues – Request for Action RTC 09-312 on Road Improvements

<u>Staff Recommendation</u>: Alternative 4: That Council direct staff to include a project for budget review in the proposed FY 2010/11 budget to design and implement a southbound Sunnyvale Avenue-to-eastbound Old San Francisco Road left turn, and defer consideration of traffic calming or street closures until the effectiveness of the construction of a left turn to Old San Francisco Road can be evaluated subsequent to construction. Staff Contact: Jack Witthaus, (408) 730-7330

4. MOTION Consider Agreement with Santa Clara County for Operation of Baylands Park and Consider Recreational Enhancements at Baylands Park (Study Issue)

<u>Staff Recommendation</u>: Alternative No. 1: Council approves the Lease Agreement with Santa Clara County for operating Sunnyvale Baylands Park, conditioned on County's approval of the Lease Agreement, including a 5-year exemption from the County's Integrated Pest Management Ordinance and authorizes the City Manager to sign the lease on behalf of the City.

Staff Contact: Scott Morton, (408) 730-7539

5. MOTION FY 2008/2009 Budgetary Year-End Financial Report, Comprehensive Annual Financial Report, and Redevelopment Agency Financial Report

<u>Staff Recommendation</u>: Receive and file the budgetary Year-end Financial Report, the audited Comprehensive Annual Financial Report, the Memorandum on Internal Control and Required Communications issued by the independent auditors, and the Redevelopment Agency Financial Report.

Staff Contact: Drew Corbett, (408) 730-7603

6. MOTION Bylaws for all Boards and Commissions (Revisions to Council Policy 7.2.19 Sections 1 and 2.A. - I.) and Adoption of Resolution Repealing Any Existing Bylaws and Resolutions

Staff Recommendation: Alternative Nos. 1, 3 and 4:

- 1. Approve revisions to Council Policy 7.2.19 as included in Attachment A to this report to incorporate bylaws for all boards and commissions, and adopt Resolution No. XXX-09.
- 3. Reduce the number of members of the Board of Building Code Appeals to three.
- 4. Reduce the number of members of the Housing and Human Services Commission to five.

Staff Contact: Kathleen Franco Simmons, (408) 730-7474

<u>COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE</u> <u>ASSIGNMENTS</u>

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft 2010 Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Board of Library Trustees Meeting of December 7, 2009
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of November 19, 2009
- Draft Minutes of the Housing and Human Services Commission Meeting of November 18, 2009
- Study Session Summary of December 8, 2009 Economic Development Update

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY

ROLL CALL

<u>PUBLIC ANNOUNCEMENTS</u> Each speaker is limited to three minutes for announcements of

community events, programs, or recognition.

CONSENT CALENDAR

RDA 1.A. MOTION Approval of Draft Minutes of Regular Meeting of August 11, 2009

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Agency Chair) with a **maximum of three minutes per speaker.** If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Agency members. If you wish to address the Agency, please complete a speaker card and give it to the Agency Clerk. Individuals are limited to one appearance during this section.

PUBLIC HEARINGS/GENERAL BUSINESS

If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by the Redevelopment Agency. Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.

RDA 2. RESOLUTION Adoption of the Five-Year Implementation Plan for the Sunnyvale Central Core Redevelopment Project Area for FY 2009/10 through FY 2013/14

<u>Staff Recommendation</u>: Adopt the resolution approving the Five-Year Implementation Plan for the Central Core Redevelopment Project Area.

Staff Contact: Brice McQueen, (408) 730-7284

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at http://sunnyvale.ca.gov after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community—wide interest that occur on an annual basis (only announce one time).

<u>Public Hearing – Order of Hearing as Follows:</u>

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a maximum of three minutes per speaker. If your subject is not on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chamber, the publication "How to Make Your Council Chamber Presentation More Effective" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at http://sunnyvale.ca.gov.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide**12 copies of the materials to the city clerk (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME		PLACE					
Dec. 15, 2009	Council Meeting	7	p.m.	Council Chambers					
Jan. 5, 2010	Council Meeting	7	p.m.	Council Chambers					
Jan. 12, 2010	Council Meeting	7	p.m.	Council Chambers					
OTHER SCHEDULED MEETINGS									
Dec. 14, 2009	Planning Commission Study Session	7	p.m.	West Conference Rm					
Dec. 14, 2009	Planning Commission Public Hearing	8	p.m.	Council Chambers					
Dec. 16, 2009	Administrative Hearing	2	p.m.	West Conference Rm					
Dec. 16, 2009	Housing & Human Services Commission	7	p.m.	West Conference Rm					
Dec. 16, 2009	Arts Commission	7	p.m.	Council Chambers					
Dec. 17, 2009	Bicycle & Pedestrian Advisory Commission	6:30	p.m.	West Conference Rm.					
Dec. 21, 2009	Personnel Board	5	p.m.	Council Chambers					
Jan. 4, 2010	Board of Library Trustees	7	p.m.	Library Program Rm A					
Jan. 11, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm					
Jan. 11, 2010	Planning Commission Public Hearing	8	p.m.	Council Chambers					
Jan. 13, 2010	Administrative Hearing	2	p.m.	West Conference Rm					
Jan. 13, 2010	Housing & Human Services Commission	_ 7	p.m.	West Conference Rm					
Jan. 13, 2010	Heritage Preservation Commission	7	p.m.	West Conference Rm					
Jan. 13, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers					
Jan. 20, 2010	Arts Commission	7	p.m.	Council Chambers					
Feb. 10, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers					
Feb. 17, 2010	Arts Commission	7	p.m.	Council Chambers					

CHANNEL 15 - KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

Dec. 13, 2009	City Council Meeting - Replay of Dec. 8, 2009	4	p.m.
Dec. 15, 2009	City Council Meeting – Live	7	p.m.
Dec. 16, 2009	City Council Meeting – Replay of Dec. 15, 2009	7	p.m.
Dec. 20, 2009	City Council Meeting – Replay of Dec. 15, 2009	4	p.m.
Jan. 5, 2010	City Council Meeting – Live	7	p.m.
Jan. 6, 2010	City Council Meeting - Replay of Jan. 5, 2009	7	p.m.
Jan. 10, 2010	City Council Meeting - Replay of Jan. 5, 2009	4	p.m.
Jan. 12, 2010	City Council Meeting – Live	7	p.m.
Jan. 13, 2010	City Council Meeting - Replay of Jan. 12, 2009	7	p.m.
Jan. 17, 2010	City Council Meeting - Replay of Jan. 12, 2009	4	p.m.